

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TRACY LEE HOLMES,

Petitioner,

v.

STATE OF NEBRASKA,

Respondent.

**8:21CV159**

**ORDER**

On July 9, 2021, the Court sua sponte denied petitioner Tracy Lee Holmes's ("Holmes") Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Filing No. 1) for lack of subject-matter jurisdiction and dismissed this case without prejudice (Filing No. 9). Now before the Court is a one-page, handwritten note from Holmes docketed in this case<sup>1</sup> as a motion for reconsideration (Filing No. 11).

In his note, Holmes states he objects to the State's "dismissal filing" and asks "the Court to file a motion for a Jury trial so that [he] can further assess [his] legal rights." To the extent Holmes's note is indeed a motion for reconsideration in this case, it is denied. The Court sees no reason to change its judgment.

To the extent the note actually pertains only to Case No. 8:21CV158, which is Holmes's only active case, he should stop referring to Case No. 8:21CV159 in his filings. It only muddies the water. Case No. 8:21CV159 is closed.

Based on the foregoing,

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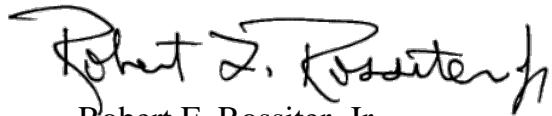
<sup>1</sup>The note was also filed in Case No. 8:21CV158 as a response (Filing No. 28) to a pending motion to dismiss (Filing No. 26). In that case, Holmes sued the State of Nebraska ("State") and several other defendants pursuant to 42 U.S.C. § 1983 for alleged violations of his rights. That motion is not yet fully briefed, and Case No. 8:21CV158 remains pending.

IT IS ORDERED:

1. Petitioner Tracy Lee Holmes's motion for reconsideration (Filing No. 11) is denied.
2. Holmes should not use Case No. 8:21CV159 to refer to matters that only pertain to Case No. 8:21CV158.
3. The Clerk of the Court is directed to mail a copy of this Order to Tracy Holmes at his address of record.

Dated this 2nd day of August 2021.

BY THE COURT:



Robert F. Rossiter, Jr.  
Chief United States District Judge